

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA HOPE,	:	
Plaintiff,	:	07-CV-4726 (RJS)
-against-	:	REPLY AFFIDAVIT OF JOSEPH BREED IN FURTHER SUPPORT OF MOTION TO DISMISS <u>THE COMPLAINT</u>
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ST. MARGARET HOUSE and JOSEPH BREED,	:	
Defendant.	:	

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STATE OF NEW YORK)	
	:	ss.:
COUNTY OF NEW YORK)	

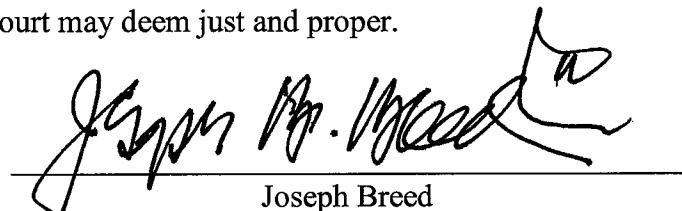
JOSEPH BREED, being duly sworn, deposes and says:

1. I am the Executive Director of St. Margaret's House, a not-for-profit housing facility operated by St. Margaret's House Housing Development Fund Corporation, located at 49 Fulton Street, New York, New York. I make this reply affidavit in further support of the motion to dismiss filed on behalf of St. Margaret's House and myself, and in particular, to respond to the letter annexed as Exhibit 1 to the Memorandum of Points and Authorities in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss (undated) ("Plaintiff's Memorandum").

2. While I am advised that the letter annexed to Plaintiff's Memorandum as Exhibit 1 has no relevance to the instant motion to dismiss, I feel constrained to note that this letter represents a gross distortion of the events of October 7, 2007. I was not present during the underlying conflict between Mr. Hope and the family of another St. Margaret's House resident.

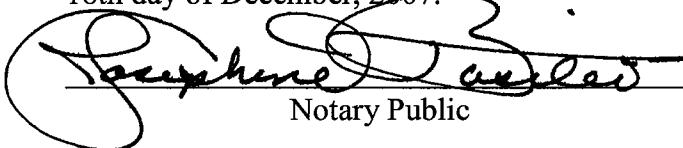
However, I did witness Mr. Wells (a guardian ad litem for Mr. Hope) attempting to dictate an incident report to a St. Margaret's House security guard. In response, I simply told Mr. Wells that such incident reports are internal documents to be completed by security personnel by themselves, and are not to be used for dictated statements by others. I invited Mr. Wells to share any of his perceptions and concerns with me in the form of a letter, which he then did.

WHEREFORE, for the reasons set forth herein, in my prior affidavit, in the Affidavits of Josephine Chung and Matthew S. Fenster, and in the initial and reply memoranda of law, I respectfully request that the Court enter an Order (i) dismissing the complaint in its entirety as against St. Margaret's House and myself; and (ii) granting St. Margaret's House and myself such other and further relief as the Court may deem just and proper.



Joseph Breed

Sworn to before me this
18th day of December, 2007.



Josephine Basileo
Notary Public

JOSEPHINE BASILEO
Notary Public, State of New York
No. 01BA0081249
Qualified in New York County
Commission Expires September 18, 2011